

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**PAUL MATHIS,**

**Plaintiff,**

**CIVIL ACTION**

**v.**

**CHRISTIAN HEATING AND AIR  
CONDITIONING, INC.,**

**Defendant.**

**NO. 13-3740**

**ORDER**

**AND NOW**, this 25th day of January, 2016, upon consideration of Plaintiff's Motion for Partial Summary Judgment to Dismiss Defendant's Twenty-Eighth Affirmative Defense (Document No. 40, filed June 8, 2015), Defendant's Memorandum of Law in Opposition to Plaintiff's Motion for Partial Summary Judgment to Dismiss the Twenty-Eighth Affirmative Defense (Document No. 45, filed July 20, 2015), and Plaintiff's Reply Memorandum of Law in Further Support of Motion for Partial Summary Judgment to Dismiss Defendant's Twenty-Eighth Affirmative Defense (Document No. 48, filed July 27, 2015), **IT IS ORDERED** that plaintiff's Motion is **GRANTED**, and the twenty-eighth affirmative defense listed in defendant's Answer is **STRICKEN**.<sup>1</sup>

**IT IS FURTHER ORDERED** that, upon consideration of Motion for Summary Judgment of Defendant Christian Heating & Air Conditioning, Inc. (Document No. 44, filed July 20, 2015) and Plaintiff's Memorandum of Law in Opposition to Defendant's Motion for Summary Judgment (Document No. 49, filed August 3, 2015), defendant's Motion is **DENIED**.

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<sup>1</sup> The twenty-eighth defense reads as follows: "Enforcement of plaintiff's claims would substantially burden the defendant's free exercise of religion in violation of the Free Exercise Clause of the Constitution Amendment I, and the Religious Freedom Restoration Act, 42 U.S.C.A. §2000bb-1 et seq."

**IT IS FURTHER ORDERED** that a telephone conference for the purpose of scheduling further proceedings will be held in due course.

**BY THE COURT:**

/s/ Hon. Jan E. DuBois  
**DuBOIS, JAN E., J.**